

### REMARKS

Claims 1-14 are pending in the present Application. In the Office Action of July 03, 2001, the Examiner rejected claims 1-14 under 35 U.S.C. §102(e) and §103(a). Applicants respectfully respond to the Office Action as follows:

**1. Rejection of Claims 1, 2, 5-7, and 10-13 under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 2, 5-7, and 10-13 under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 5,889,844 issued to Kim et al. (Kim, hereinafter). Applicants respectfully traverse this rejection.

Regarding claim 1, Applicants have amended this claim only for more clarity. Applicants respectfully submit that Kim does not disclose all limitations of Applicants' claimed invention in claim 1. Specifically, Kim does not disclose a mobile switching center that instruct a base station to negotiate a service configuration for a second communication with a subscriber unit while a first communication is already in progress between the base station and the subscriber unit. For example, as disclosed on page 4, lines 8-12, the first communication may be short message service (SMS) message communication, and the second communication may be voice communication. In one embodiment, the SMC messages may be multiplexed with the voice, and both may be delivered to the subscriber unit.

Specifically, Kim does not disclose (1) any service negotiation for determining a service configuration, (2) any mobile switching center that instruct a base station to negotiate such service configuration, and/or (3) conducting two simultaneous communications between a mobile station and a subscriber unit.

Regarding claim 10, Applicants respectfully submit that Kim does not disclose all limitations of Applicants' claimed invention in claim 10. Specifically, Kim does not disclose instructing a base station to negotiate a new service configuration for connecting a new call with a subscriber unit while an existing call is already in progress between the base station and the subscriber unit.

Specifically, Kim does not disclose (1) any service negotiation for determining a service configuration, (2) instructing a base station to negotiate such service configuration, and/or (3) conducting two simultaneous calls between a mobile station and a subscriber unit.

Therefore, since Kim does not disclose at least the above-discussed limitations that are claimed in claims 1 and 10, Applicants respectfully request the Examiner to withdraw this rejection.

**2. Rejection of Claims 3, 4, 8-9, and 14 under 35 U.S.C. § 103(a)**

The Examiner rejected claims 3, 4, 8-9, and 14 under 35 U.S.C. §103(a) as being unpatentable by U.S. patent No. 5,889,844 issued to Kim et al. (Kim, hereinafter). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Kim does not disclose all limitations of Applicants' claimed invention in claims 1 and 10, as discussed above, and therefore, Applicants respectfully request the Examiner to withdraw this rejection.

**CONCLUSION**

Applicants believe to have responded to each and every rejection in the Office Action dated July 03, 2001. Applicant respectfully request reconsideration and allowance of claims 1-14.

Respectfully submitted,

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## APPENDIX A

### MARKED UP VERSION OF AMENDED CLAIM:

1. (Once Amended) A telecommunications messaging system, comprising:

a wireless subscriber unit;

a base station in a first communication with said wireless subscriber unit;

and

a mobile switching center for causing said base station to engage in service negotiation with said wireless subscriber unit, said service negotiation for determining a service configuration for a second communication between said base station and said wireless subscriber unit.

STAMP HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING  
IN THE U.S. PATENT AND TRADEMARK OFFICE (Mailed: 12/12/2001)

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QUALCOMM Incorporated

ENCLOSED ARE:

AMENDMENT TRANSMITTAL LETTER IN DUPLICATE;  
AMENDMENT WITH 3 MTH. PETITION FOR EXTENSION  
OF TIME; and POSTCARD.

APPLICANT: KRISHNAMURTHI ET AL.

ASSIGNEE: QUALCOMM Incorporated

APPLICATION NO.: 09/746,232

FILED: 12/21/2000

FOR: SYSTEM AND METHOD FOR MOBILE SWITCHING CENTER  
INITIATED SERVICE NEGOTIATION

STAMP HERE SHOWING RECEIPT (THANK YOU):